

AMENDMENTS TO LB 958

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 28-101, Revised Statutes Supplement,
4 2003, is amended to read:

5 28-101. Sections 28-101 to 28-1350 and sections 2 to 7
6 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.

8 Sec. 2. Sections 2 to 7 of this act shall be known and
9 may be cited as the Assault of an Unborn Child Act.

10 Sec. 3. For purposes of the Assault of an Unborn Child
11 Act:

12 (1) Serious bodily injury means bodily injury which
13 involves a substantial risk of death, or which involves a
14 substantial risk of serious permanent disfigurement, or protracted
15 loss or impairment of the function of any part or organ of the
16 body; and

17 (2) Unborn child means an individual member of the
18 species Homo sapiens at any stage of development in utero.

19 Sec. 4. (1) A person commits the offense of assault of
20 an unborn child in the first degree if he or she intentionally or
21 knowingly causes serious bodily injury to an unborn child.

22 (2) Assault of an unborn child in the first degree is a
23 Class IIIA felony.

24 Sec. 5. (1) A person commits the offense of assault of

1 an unborn child in the second degree if he or she recklessly causes
2 serious bodily injury to an unborn child with a dangerous
3 instrument.

4 (2) Assault of an unborn child in the second degree is a
5 Class IV felony.

6 Sec. 6. Any person who, while operating a motor vehicle
7 in violation of section 60-6,196 or 60-6,197, proximately causes
8 serious bodily injury to an unborn child is guilty of a Class I
9 misdemeanor and the court shall, as part of the judgment of
10 conviction, order the person not to drive any motor vehicle for any
11 purpose for a period of at least sixty days and not more than
12 fifteen years from the date ordered by the court and shall order
13 that the operator's license of such person be revoked for the same
14 period.

15 Sec. 7. The Assault of an Unborn Child Act does not
16 apply to an act or conduct causing or contributing to the serious
17 bodily injury of an unborn child when the act or conduct is:

18 (1) Committed or engaged in by the mother of the unborn
19 child;

20 (2) Any medical procedure performed with the consent of
21 the mother; or

22 (3) Dispensing a drug or device in accordance with law or
23 administering a drug or device prescribed in accordance with law.

24 Sec. 8. Original section 28-101, Revised Statutes
25 Supplement, 2003, is repealed.

26 Sec. 9. Since an emergency exists, this act takes effect
27 when passed and approved according to law.".